IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2139 OF 2007

Mr. Abbas Akbar Qureshi] .. Petitioner

Versus

1. The State of Maharashtra & 3 ors.] .. Respondent

Mr. K.H. Giri for the petitioner.

Mr. A.S. Gadkari, APP, for the respondents.

CORAM: S.B. MHASE &
SMT.V.K. TAHILRAMANI, JJ.

DATED: 19TH DECEMBER, 2007

P.C. :

1. Heard.

2. The petitioner has approached this court seeking a declaration that the arrest of the petitioner is illegal, unjustifiable and in a routine manner without reaching reasonable satisfaction by the arresting authority and before making any investigation as to the genuineness and the bonafides of the complainant and the petitioner's complicity in the Uran Police Station FIR No.I-129/2007.

3. The Uran Police Station has registered the

above referred crime as against the petitioner on the basis of the complaint lodged by one Asif Anwar Shahbazkar under section 387, 34 IPC. The material allegations in the complaint show that on 11th September, 2007, the complainant received a call on Mobile No.9920901020 from the petitioner wherein the petitioner threatened that the rivalry with the petitioner will be very expensive and if the complainant wants to get rid of the said rivalry the complainant shall pay one and half crore rupees to the petitioner, otherwise the complainant and his family members will be killed. The said call was received approximately at about 9.15 p.m. and, therefore, the complainant has lodged the complaint. In view of this complaint, the petitioner was arrested and released on bail on the next day. Thereafter the petitioner has approached this court for the above referred relief.

4. From the complaint, it is crystal clear that the complainant has informed that the call was from the petitioner and the name of the petitioner has been disclosed in the F.I.R. The mobile number has also been disclosed. It further appears that the Police have collected information from the Public Booth (PCO) which shows that from the said PCO at about 9.20 p.m., the call was made to the complainant. Therefore, prima

facie, it is established that the complainant had received a call as stated in the complaint. As the complaint was a clear one, naming the particular person, the action was taken. Apart from that, the complaint also discloses that the complainant and the accused-petitioner are known to each other for many years and because of the acquaintance, the complainant was knowing the petitioner and was familiar with the voice of the petitioner also. Therefore, the statement that the complainant received a call from the petitioner was accepted to be genuine by the Police Officers and they proceeded with investigation of the crime. The investigation is still in progress and the chargesheet is yet to be filed.

5. Under these circumstances, it is premature at this stage to consider whether the arrest was an illegal one and improper etc. The question of compensation to be paid to the petitioner has also been raised at a very premature stage. We, therefore, refrain to entertain the Petition and the Petition is hereby rejected.

Sd/-
[SMT.V.K. TAHILRAMANI, J.]

Sd/-
[S.B. MHASE, J.]